

**California State Department of Social Services
ICWA Workgroup**

Morongo Band of Mission Indians
12700 Pumarra Drive, Administration Building
Banning, CA 92220

March 27, 2009

Minutes

Attendees:

Nancy Currie, Tribal Social Worker, Soboba Band of Luiseño Indians
Liz Elgin DeRouen, Indian Child & Family Preservation Program
Jackie Wise Spirit, Indian Child Welfare
Julia L. Bogany, Gabrieleno/Tongva Tribal Council, Cultural Affairs
Karen Kolb, Tribal Family Services, Indian Health Council, Inc.
Sherri Salgado, Cahuilla Band of Indians, Indian Children and Family Services
Tom Lidot, Tribal Star, Pacific Mountain, SDSU
Robert White, San Diego County HHSA, Indian Specialty Unit
Nilla Hamilton, Pacific Mountain Philanthropy
Jan Shelley, ICWA Coordinator, Torres Martinez Desert Cahuilla Indians
Annette Chihuahua, ICWA Specialist, Torres Martinez Desert Cahuilla Indians
Theresa Villa, Pala Band of Mission Indians, Indian Child and Family Services
Carole Butzke, Sr Social Svcs Supervisor, Orange County Social Services Agency, CFS
Nehreen Ayub, Tribal Social Worker, Morongo Band of Mission Indians
Louis Madrigal, Executive Director, Indian Child and Family Services
Lovina Saul, Santa Rosa Cahuilla Reservation, Indian Child and Family Services
Veronica Uhrle, Santa Rosa Cahuilla Reservation, Indian Child and Family Services
Theresa Sam, ICWA Social Worker, Santa Rosa Rancheria
Cindy Dawson, ICWA Social Worker, Morongo Children and Family Services
Liz Sandoval, Attorney, CDSS
Lee Ann Kelly, ICWA Manager, CDSS
Mary Enriquez, ICWA Specialist, CDSS

Call-in participants: Susan Turner, Kings County; Mary Berryman, Sacramento County; Jennifer Walter, Administrative Office of the Courts (AOC); Ann Gilmour, AOC; Aggie Jenkins, Riverside County; Delia Parr, California Indian Legal Services (CILS); Dorinda Strmiska, CILS; Cynthia Guilford, CDSS; Nicolle Larkins, CDSS; Debra Williams, CDSS, Diana Orcino, CDSS

Welcome/Introductions. Chairperson Theresa Sam began introductions of the individuals present and those on the conference call. The meeting began with a few questions from those present regarding the membership requirements for the subcommittee members and a question regarding the number of subcommittees.

The discussion included the answer that there are no restrictions as to whoever wishes to be a part of a subcommittee. The membership was solicited via ICWA meetings and by email; also, subcommittees are initiated by reason of need.

PL 110-351 Fostering Connections to Success and Increasing Adoptions Act of 2008 (H.R. 6893). Lee Ann Kelly provided an update on this new bill. She explained that for the first time Tribes, Tribal Organizations and Tribal Consortia can enter into an agreement with the federal government to directly operate a Title IV-E program. At this time it is unknown whether or not how the match funds to operate a Title IV-E program will affect tribes. The Federal Region IX of the Health & Human Services Agency's Administration for Children and Families has sent a notice of *"Request for Public Comment Concerning Requirements For Transferring Children From The Placement And Care Responsibility Of A State Title IV-E Agency To A Tribal Title IV-E Agency and Tribal Share of Title IV-E Administration and Training Expenditure."* The meeting is scheduled on Monday, April 27, 2009, 90 7th Street, Conf. Rm. B040 and B020, San Francisco, CA 94103. The contact person for the meeting is Sally Flanzer, CB Regional Program Manager, phone (415) 437-8400 or e-mail sally.flanzer@acf.hhs.gov.

Administrative Office of the Courts Report. Jennifer Walter, supervising attorney for the Administrative Office of the Courts (AOC), gave an update on the ICWA Project (project) that was contracted through the CDSS. The project includes education, training, technical assistance and resource materials to assist courts and agencies to comply with ICWA. AOC provides regional trainings and workshops on the following: When ICWA Applies; Exclusive Versus Concurrent Jurisdiction; Determination of Tribal Membership or Eligibility for Membership; Notice to Tribes; Tribal Participation and Intervention; Active Efforts, Including Culturally Appropriate Services; Placement Preferences; and Qualified Expert Witnesses. The AOC also provides technical assistance in reviewing local protocols and assists the courts and agencies to improve compliance.

Concern was mentioned that tribal social workers could not access the California Dependency Online Guide (CalDOG) on the AOC website. Ms. Walter believed that the program was accessible from its set-up to tribal social workers; she stated that the problem will be rectified and the tribal social workers would be notified how to access CalDOG.

State Legislative Update

1. **AB 770 (Torres)**—Indian tribes: foster care and adoptions programs—PL 110-351. Lee Ann Kelly provided a summary of AB 770 to the Workgroup. This bill is most likely a spot bill (a bill to be used or expanded in the legislative session to include the upcoming further definitions of PL 110-351. In its current/introduced form the bill requires the state to modify the State Title IV-E Plan to implement the PL 110-350.

2. **AB 1325 (Cook)**—Tribal Customary Adoptions. Nancy Currie, Soboba Band of Luiseno Indians bill sponsor, provided an update on the bill. Last legislative session AB 2736 was pulled in Judiciary Committee because of no time to prepare acceptable amendments regarding full faith and sovereignty. The preparation of this bill included those concerns, taking into consideration concerns of the California Welfare Directors Association and Administrative Office of the Courts. This bill has many co-authors (Beall, Coto, Ducheny, Florez). Once the 30 days after introduction of the bill, the bill will be assigned to subcommittees; that information will be sent to the ICWA Workgroup.

16th Annual State ICWA Conference. Liz DeRouen, Indian Child & Family Preservation Program, provided the update for the meeting. The meeting will be held in Santa Rosa, June 21, 22, 23. A Planning Committee will be formed from the collaborating tribes and organizations (Lake, Mendocino; 11 tribes); workshops of interest may be Tribal Culture, Active Efforts, PL 110-351, Health & Human Services and the Obama Administration, Expert Witness, Placements, Health Sessions (wellness, preventing burnout, keeping the community strong); and Tribal Courts. The cost may range from \$100 early registration to \$125 late or at the door registration. The budget will be \$35,000--\$36,000. Lodging will be State \$84, Federal \$118. Still need sponsors.

Subcommittee Updates

1. **Permanency for Indian Children and Youth.** Lee Ann Kelly explained that as AB 1325 continues through the Legislature and PL 110-351 gets to the point where regulations are issued, the Permanency for Indian Children and Youth Subcommittee will be reactivated.
2. **Expert Witness.** Ann Gilmour presented the subcommittee report to the Workgroup. The subcommittee covered many topics/problems incurred when defining an expert witness (EW) as follows: 1) How does the federal government define an EW; 2) What is the role of the EW based on the federal government; 3) Whether there should be a job description, does the EW meet with the family, review the case file; 4) What are the qualifications; and 5) Is there a form or format for the EW report; If the county provides the EW and the tribe does not agree, what is the tribe's recourse.

The members of the subcommittee have been given assignments (e.g., Definition of intent of the law; Difficulties in finding EW; Funding of EW), and the next meeting is scheduled for April 9, 2009, 1:30 p.m. to 3:30 p.m., CDSS Building, Room 1124.

Discussion within the Workgroup centered on the courts and the county social workers. The court should ask the question "Is the county and the tribe in agreement that the EW used in the case is qualified?" ICWA 102 needs to have the EW definition and selection process in the curriculum. AOC and Beyond the Bench need to include the selection of an EW. It was mentioned

that within the area of the Torres Martinez Desert Cahuilla Tribe, the judges work together in the Tribal Alliance Workgroup – the group of judges would be willing to help in educating the court on how to implement Expert Witness standards.

3. **ICWA Training.** Lee Ann Kelly provided the update on the Training Subcommittee. The subcommittee is in the process of finalizing the ICWA 102 subject matters. This training is being developed to educate and assist county social workers. The California Social Work Education Center (CalSWEC), University of California, Berkeley, School of Social Welfare is taking the lead in the training of social workers.

Discussion within the Workgroup included comments to require ICWA training in the first phases of the education of social workers; it should be embedded in the CORE training. Tribal members said that social workers do not understand ICWA requirements and that ICWA training should be a partnership of local training entities (e.g., Indian Children and Family Services, Santa Rosa Cahuilla Reservation).

Family Development Matrix. Lee Ann Kelly explained that the Matrix is an OCAP funded assessment tool to help assess families in what services are needed. Jerry Endres, a professor of Social Work at California State University, Monterey Bay, is the author who is testing the tool to make sure it is culturally appropriate. He has been testing it with some tribes, and would like to come and make a presentation to the Workgroup.

Future Meetings. Lee Ann Kelly explained that with the State budget problems and the furloughs, CDSS staff thought it best to keep the ICWA meetings on the second and fourth Fridays of the month.